

MEMO ENDORSED

United States District Court  
Southern District of New York

Michael Andrews  
Petitioner

v.

Case No. 11CR630

United States of America

(A) Motion Request For Reconsideration

For Compassionate Release Under 18 USC 3582(c) -

(1)(A)(i) Extraordinary and Compelling Reasons.

1. Petitioner Andrews as "Prose" bring forth this motion for reconsideration for Compassionate Release, is from the Denial from this District Court.

2. On 4/22/2021 this Court, denied Petitioner's Compassionate Release that was before the Honorable Judge Kenneth M. Karas, Petitioner was denied because of being UNVaccinated, and not following through proper procedures as required by BOP Policy and the First Step Act of 2018.

A.

3. Petitioner has been Vaccinated as of today, and also has taken the proper step to address his compassionate release through Administrative Remedies at this Facility.

### (B) Vaccination And Freedom of Religion

4. This Petitioner was against being Vaccinated, due to religious ideologies. Petitioner felt pressure to take the vaccine since the court denied his compassionate release motion, because of being unvaccinated.

### (C) Establishment Clause (1959) Constitutional law...

5. The First Amendment provision that prohibits the Federal and state governments from establishing, an official religion, or from favoring or disfavoring one view of religion over another U.S. Constitution Amend.

The Establishment Clause of the First Amendment protects prisoners from forced participation in religious activities, violating

## Personal Privacy, Searches and Seizures.

6. Petitioner accepted this Vaccine as an infringement on his religious beliefs and a "Force arbitration" to meet the requirements of an "Scientific ideology" and government interest, which is also defined as Compulsory Arbitration.

7. Petitioner got Vaccinated base on the court's denial of being UNVaccinated, now that Petitioner has been Vaccinated and Follow through with Protocol exhausting his remedies, Petitioner is reappealing for reconsideration under these extraordinary and compelling reasons due to COVID-19 and the Delta Variant.

8. Petitioner has underlying health Problems, that the Vaccine could be a curse or blessing to this Petitioner's health. because it Triggered a reaction to Petitioner's body as described about the side effects, but Petitioner's side effect continues to linger which was a big concern of this Petitioner just as well.

We still faces a high risk of exposure to the Delta Virance, because the STAFF is strongly against the Vaccine and Mask Mandate.

West Virginia rise of the Virance has been increasing at a fast pace raising an alarm at this Facility.

We are now operating in "Code Red" due to the surge of the Virance. There are some STAFF, that enForces "Mask" mandate on US inmates, but not there own STAFF, because half of the STAFF never wears a mask.

This is more detrimental to our well being just as well as the Virance itself.

Some STAFF has expressed their own beliefs about the Vaccine, some Political, some Religious, and some other reasons.

(D) "CARES Act"

9. The "CARES Act", Pub. L. No. 116-136, 134 Stat. 281, 516 (2020).

Petitioner would have sought relief under the CARES Act Section 12003(6) During this Covered emergency Period, COVID-19 + Delta Variant, which authorized Prisoners to be placed on early home confinement under the First sentence of Section 3624(c) (2) of title 18 USC. But the B.O.P. has been discriminating, in their practices of the "CARES Act" choosing Prisoners from their geographical location which Former Vice President Kamala Harris then Senator, also Senator Corey Booker, and House Rep. Hakim Jeffers addressed this discriminatory practice to Former Attorney General William Barr and former F.B.I. Director Michael Callahan, about this practice which was considered as "Cruel Indifference"...

(E) Relief From the District Court by the First Step Act

10. The First Step Act of 2018, Pub. L. No. 115-291, 132 Stat. 5194, Modified 18 U.S.C. 3582(c) (1)(A)(i) For compassionate Release, a defendant can move for request under 18 U.S.C. 3582(c)(1)(A)(i) For compassionate Release after fully exhausting administrative remedies or the "lapse" of (30 days) from receipt of such a request by the Warden.

(F) United States Sentencing Commission USSC.

11. The United States Sentencing Commission is charged with defining what should be extraordinary and compelling reasons for reduction under 18 U.S.C. 3584(t) and 3582(c)(1)(A).

12. Now Congress has expanded the court's ability to consider them through the First Step Act, which the court's has independent discretion to determine whether there are extraordinary and compelling reasons to reduce a sentence. United States v. Bryant CCB-19-0202, 2020 WL 2085471 at 2 (D. Md. April 30, 2020).

(G) Vaccine VS. 1st Amendment and Right to Due Process

13. Petitioner as Prose, request to the Court's  
freesoms, and the hesitancy of taking  
the Vaccine dating back to the Tuskegee  
syphilis experiment along with other medical  
atrocities.

14. In 1972 it is recorded that Pharmaceutical  
industry in America was doing more than 90%  
of its experimental testing on prisoners, 26  
years after the Nuremberg Trials, which led to  
the establishment of the "Nuremberg Code".  
the code specifically designed to outlaw  
Medical atrocities

(H) 1st Amendment Freedoms

A Freedom of Religion

b Freedom of Ideas

c Freedom of Expression

D Freedom of Conscience

e Freedom of Choice

f Freedom of belief

G Freedom of Speech

H Freedom of Movement

(H) Rights to Procedural Due Process,

The Fifth and Fourteenth Amendments Prohibit the government from depriving an inmate of life, liberty, or property without due process of law.

Conclusion

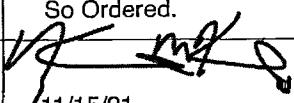
Request to the Court's to reconsider this motion, which Petitioner has filed in good cause.

Due Diligence

This Motion Under 18 U.S.C. 3582(c)(1)(A)  
Extraordinary and Compelling Reasons is  
Filed and Consistent Under Equitable Tolling.

Motion for Reconsideration of the Court's prior order denying Mr. Andrews' compassionate release is denied. Contrary to the premise of this Motion, the Court did not force Mr. Andrews to get the Covid vaccine. It only noted that Mr. Andrews' decision not to get vaccinated weakened his argument regarding the risks of getting Covid while in prison. That Mr. Andrews has since been vaccinated, because he supposedly felt pressure to do so, hardly strengthens his case for release. Now that he is vaccinated, the risks to him from getting Covid have been substantially reduced as the evidence overwhelmingly establishes that vaccines are safe and highly effective, particularly at preventing serious illness and death. Moreover, because the Court did not force Mr. Andrews to get vaccinated, there is no merit to his religious rights claim (which itself is based on vague claims of religious objections to getting vaccinated). Finally, the other factors that led the Court to deny the initial release application have not changed, so there is no basis to reconsider the Court's denial.

So Ordered.



11/15/21

(  
"Petitioner's Goals and Improvements"  
Petitioner has shown to be rehabilitated and  
is a non-Violent OFFender.

Petitioner has more then 50% Percent of his  
time in and less then 48 months to serve.

Petitioner has the support of a loving wife  
and family members.

( Petitioner has a religious base, and home  
Plans that is authentic and ethically grounded  
in Community and Culture traditions.

Petitioner is not a threat to his community  
or society.

Petitioner has a passion to talk to youths  
to inspire them to overcome the Pitfalls and  
hurdles that Petitioner had to face.

9, 20 12020  
(Month) (Day)

Submitted to Prison Staff on:  
09.1.21 / 2021

Dear Warden WDF  
(Warden's Last Name)

My name is Michael Andrews and my Register No. is 65550-054. I am writing to respectfully request that I be considered for an early release from prison under the Compassionate Release Program, under 18 U.S.C. § 3582(c)(1), and that you treat this as a formal request for a reduction in sentence (RIS).

I believe I am a good candidate for Compassionate Release for the following reasons. I have been incarcerated since 8/9/2011. I am currently 34 years-old.

Since I have been incarcerated, I have received the following medical treatment: Asthma.

My current physical and mental health problems include: My physical health is OK, I TRY TO do some small push ups To keep MY health up. I Still use MY Asthma pump before and after. I also read Self help book to help me with MY Mental health.

I take the following medications: Albuterol Inhaler HFA. And also an Asmanex TwiShaler. EVERYday.

I believe I am (or a family member who needs my care is) at high risk of complications from COVID-19 because I use Two Asthma pumps and I also was born with heart problems.

Other information that makes me a good candidate for compassionate release includes: I also have a mother that has Cancer, I would like to take care of her. I also have 75.6% of MY Time in. I have also taken The Vaccination.

I can help people see that it is safe to take.

When I am released from prison, I plan to live with Nicolelette Brown, (Cust Friend) at 3058 Herring Chase Rd Burgaw, NC 28425. #3 (804-221-8154)

Based on the information above, given my personal circumstances and the COVID-19 pandemic, I request early release under the Compassionate Release Program.

Thank you for your time and consideration.

Michael Andrews Register Number: 65550-054  
(Full name)

## COVID-19 Vaccination Record Card

Please keep this record card, which includes medical information about the vaccines you have received.

Por favor, guarde esta tarjeta de registro, que incluye información médica sobre las vacunas que ha recibido.



Andrews Michael

Last Name

First Name

MI

65550-054

Date of birth Patient number (medical record or IIS record number)

Vaccine	Product Name/Manufacturer Lot Number	Date mm dd yy	Healthcare Professional or Clinic Site
1 <sup>st</sup> Dose COVID-19	Pfizer 10/21 FC3181	8/18/21 mm dd yy	FCI Gilmer
2 <sup>nd</sup> Dose COVID-19	PFIZER LOT # FC3181	9/8/21 mm dd yy	FCI Gilmer
Other	EXP 10/2021	/ / mm dd yy	
Other		/ / mm dd yy	

Michael Andrews #65550-054

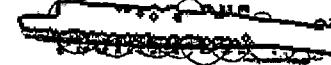
FCI Gilmer

Federal Correctional Institution

P. O. Box 6000

Glenville, WV 26351

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To: Hon. Kenneth M. Karas U.S.D.J

U.S. Courthouse

330 Quartz Street

White Plains, NY 1060



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